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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,343	11/20/2003	James William Anderson	RPS920030124US1	1239
47052	7590	11/28/2008	EXAMINER	
IBM RP-RPS			LIU, LIN	
SAWYER LAW GROUP LLP			ART UNIT	PAPER NUMBER
2465 E. Bayshore Road, Suite No. 406			2445	
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		NOTIFICATION DATE	DELIVERY MODE	
		11/28/2008	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[patent@sawyerlawgroup.com](mailto:patent@sawyerlawgroup.com)

<b>Office Action Summary</b>	<b>Application No.</b> 10/718,343	<b>Applicant(s)</b> ANDERSON ET AL.
	<b>Examiner</b> LIN LIU	<b>Art Unit</b> 2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 March 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is responsive to communications filed on 03/05/2008.
2. Claims 1-8 are pending and have been examined.
3. Claims 9-24 are cancelled.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 1 recites the limitation "the preconceived policy". There is insufficient antecedent basis for this limitation in the claim. For the purpose of the examination, the examiner treats it as "the preconfigured defined policy".

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Cochran et al. (publication no.: US 2002/0161867 A1)**.

With respect to **claim 1**, Cochran teaches a method for automatically configuring devices in a network (Cochran, fig. 1), comprising:

the method associating preconfigured defined policy settings with physical locations in the network, the preconfigured defined policy settings associated with each physical location in the network being usable to configure network devices at the physical location to function on the network (Cochran: page 3, paragraphs 31 & 33, page 4 paragraphs 35, 37-38 and page 5, paragraph 41. noted that since the device configuration assembly 12 is used to detect and configure new network device discovered, it is an inherent feature that it has some type of *policy settings* in performing such method.);

automatically detecting when a network device is plugged into the network (Cochran, page 4, paragraph 38, noted that configuration assembly 12 automatically identifies new computing devices) and determining a location of the device in the network (Cochran, page 5 paragraph 41, noted the identification system for physically locating the computing device); and

automatically configuring the device based on the policy settings associated with the corresponding location (Cochran, page 5, paragraph 40, noted that once the desired computing device has been identified, it is automatically configured).

With respect to **claim 2**, Cochran teaches the method of claim 1 wherein associating preconfigured policy settings with physical locations in the network

further comprises: displaying a configuration screen that allows the user to create different policy settings that specify what configuration actions are to be taken (Cochran, fig 3, and page 5, paragraph 42, noted the user interface 132).

With respect to **claim 3**, Cochran teaches the method of claim 2 wherein associating preconfigured policy settings with physical locations in the network further comprises: saving the policy settings in a database (Cochran, pages 4-5, paragraph 39).

With respect to **claim 8**, Cochran teaches the method of claim 1 wherein automatically configuring the new network device based on the preconfigured policy settings associated with the physical location of the new network device further comprising: retrieving from a database the preconfigured policy settings associated with the physical location of the new network device (Cochran, page 6, paragraph 47, noted that once the network device is detected, it is automatically configured. Which implies that the configuration assembly 12 has retrieved the configuration setting from the database 120).

#### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cochran et al. (publication no.: US 2002/0161867 A1)** in view of **Simpson et al. (Publication no.: US 2003/0014529 A1)**.

With respect to **claim 4**, Cochran teaches all the claimed limitations except that he does not explicitly teach the method of detecting and locating the network device by transmitting SNMP queries.

In the same field of endeavor, Simpson teaches the method of detecting and locating the network device by transmitting SNMP queries (Simpson, page 4, paragraph 38).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of detecting and locating the network device by transmitting SNMP queries as taught by Simpson in Cochran's invention in order to use the benefit of the standard protocol.

With respect to **claim 5**, Cochran teaches the method of claim 4 wherein automatically detecting when a new network device is plugged into the network

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further comprises: determining which port on the network the device is plugged into (Cochran, pages 3-4, paragraph 34, noted the TCP/IP port).

With respect to **claim 6**, Cochran teaches the method of claim 5 wherein automatically detecting when a new network device is plugged into the network further comprises: detecting any combination of newly added devices including routers, switches, computers, and server blades (Cochran, page 4, paragraphs 37-38).

With respect to **claim 7**, Cochran teaches the method of claim 6 wherein automatically detecting when a new network device is plugged into the network further comprises: detecting processor blades and switches added to existing server blades (Cochran, page 4, paragraphs 37-38, noted the servers).

#### ***Response to Arguments***

12. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571)-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/  
Examiner, Art Unit 2445

/Patrice Winder/  
Primary Examiner, Art Unit 2445